

REMARKS

Upon entry of the foregoing amendments, claims 3, 8, 9-26 remain pending in the present application. Reconsideration and allowance of all pending claims are respectfully requested.

Claims 1, 2, and 4-7 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Greer. Applicant does not agree with the analysis set forth in the Office Action. However, Applicant has cancelled these claims, without prejudice or disclaimer, and therefore, this rejection is rendered moot. Applicant reserves the right to pursue the subject matter of these cancelled claims in continuing applications, if Applicant so chooses.

Claims 1-8 were rejected under the judicially created doctrine of obvious-type double-patenting as being unpatentable over various claims of various patents associated with the application. Applicant files herewith various Terminal Disclaimers to overcome these rejections. Applicants have submitted the terminal disclaimers solely to advance prosecution of the application, without conceding that the double patenting rejections are properly based. In filing the terminal disclaimers, Applicant relies upon the rulings of the Federal Circuit that the filing of such terminal disclaimers do not act as an admission, acquiescence or estoppel on the merits of the obviousness issue. See, *e.g.*, *Quad Environmental Tech v. Union Sanitary Dist.*, 946 F.2d 870, 874-875 (Fed. Cir. 1991); and *Ortho Pharmaceutical Corp. v. Smith*, 959 F.2d 936, 941-942 (Fed. Cir. 1992).

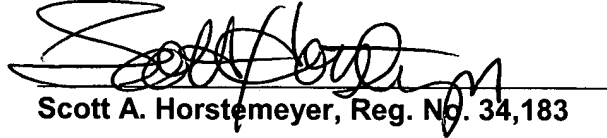
Finally, the title has been amended to more accurately reflect the nature of the claimed invention.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 3, 8, 9-26 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic

conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Scott A. Horstemeyer, Reg. No. 34,183

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500